

**7829. Adulteration and misbranding of canned tomatoes. U. S. \* \* \* v. 1,996 Cases of Duke of Maryland Brand Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 11555, 11556. I. S. Nos. 15942-r, 15944-r. S. Nos. E-1899, E-1900.)**

On December 16, 1919, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,996 cases of Duke of Maryland Brand Tomatoes, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about September 23 and October 24, 1919, by J. B. Andrews & Co., Hurlock, Md., and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding under the Food and Drugs Act. The article was labeled in part, "Duke of Maryland Brand Tomatoes Packed by J. B. Andrews, Hurlock, Md."

Adulteration of the article was alleged in the libel for the reason that tomato pulp had been mixed and packed with, and substituted wholly or in part for, canned tomatoes, which the article purported to be, and that the article contained tomato pulp which was filthy, putrid, and decomposed.

Misbranding of the article was alleged for the reason that the statement, "Duke of Maryland Brand Tomatoes," and design showing whole ripe tomatoes, regarding the article and the ingredients and substances contained therein, were false and misleading in that tomato pulp had been mixed and packed with, and substituted wholly or in part for, the tomatoes.

On March 1, 1920, J. B. Andrews & Co., claimant, having consented to a decree and filed a stipulation admitting the averments of the libel, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**7830. Adulteration and misbranding of olive oil. U. S. \* \* \* v. Accursio Dimino. Plea of guilty. Fine, \$25. (F. & D. No. 11971. I. S. No. 14943-r.)**

On March 15, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Accursio Dimino, New York, N. Y., alleging shipment by said defendant, on January 27, 1919, of an article, and transportation of same, from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Finest Quality Olive Oil Termini Imerese."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of oils, possibly soya-bean oil with cottonseed oil, and contained very little, if any, olive oil. The cans were also short volume.

Adulteration of the article was alleged in that a substance, to wit, cottonseed oil, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength; it was further adulterated in that a substance, to wit, cottonseed oil, had been substituted in large part for olive oil, which the article purported to be.

Misbranding of the article was alleged in that the statements on the cans containing the article, regarding the article, to wit, "Finest Quality Olive Oil," "Extra Pure," "Termini Imerese," "Italy Sicilia—Italia," "1 Gallon Net," and